

Notice of Allowability

Application No.

09/487,417

Examiner

James A. Reagan

Applicant(s)

MOURAD ET AL.

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10 July 2006.
2. ☒ The allowed claim(s) is/are 8,12-18 and 22-24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Status of Claims

1. This action is in reply to the response filed on 10 July 2006.
2. Claims 8, 12, 13, 15-17, and 22-24 have been amended.
3. Claim 14 has been amended by Examiner's Amendment below.
4. Claims 19, 20, and 25 have been cancelled by Examiner's Amendment below.
5. Claims 7, 9, 10, 11, and 21 have been cancelled.
6. Claims 8, 12-18 and 22-24 are pending and have been examined.

Information Disclosure Statement

7. The Information Disclosure Statement filed has been considered. An initialed copy of the Form 1449 is enclosed herewith.

Allowable Subject Matter

8. Claims 8, 12-18 and 22-24 are allowed. See Reasons for Allowance under separate heading.

EXAMINER'S AMENDMENT

9. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

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10. Authorization for this examiner's amendment was given in a telephone interview with Jon Gibbons on 18 July 2006.

11. The application has been amended as follows:

- CANCEL claims 19, 20, and 25.
- AMEND claim 14 as follows:

14. (Currently Amended) The method as defined in claim ~~[[11]]~~ 12, wherein the step of receiving encrypted content data from a second channel further includes the sub-step of:

presenting to the user, ~~[[the]]~~ a next time the user starts the user's system, a status if current encrypted content data selected from the promotional metadata has been received on the use/s system.

Reasons For Allowance

12. The following is an Examiner's statement of reasons for allowance:

None of the art of record, taken individually or combination, disclose at least the method step or system components of *wherein the step of receiving encrypted content data from a second channel includes receiving data in a format compatible with DirecPCTM*. More specifically, the prior art of record fails to disclose an emulator to enable a single player-application of the encrypted content data to receive content data over the broadcast channel as if the single player application is receiving the encrypted content data from a telecommunication infrastructure, thereby enabling the single player application to perform the following steps regardless from where the encrypted content has been received of transferring to a trusted third party an encrypted first decrypting key, which has been encrypted with a second encrypting key of the

trusted third party, receiving the encrypted first decrypting key, which has been decrypted by the trusted third party and re-encrypted with a user's system key, and decrypting, in a tamper resistant environment of the single player application, the encrypted first decrypting key with the user's system key, and wherein the step of receiving encrypted content data from a second channel includes receiving data in a format compatible with DirecPC™. The present invention provides the versatility of securely receiving digital content from a broadcast infrastructure and a telecommunications infrastructure e.g. Internet with a single player application.

Independent Claims 12 and 24 are distinguished over the closest prior art of Dillon (US 6,337,911 B1) in view of Schneier "Applied Cryptography" (1996). As shown in the previous rejections, Dillon '911 discloses using a symmetrical encryption scheme, such as DES i.e., public and private key infrastructure (PKI) in column 5, lines 23-37, an electronic document distribution system (column 6, lines 57-58), multiple broadcast mediums (column 3, lines 32-45). Schneier discloses Key-Encryption Keys (pages 176-177). As recited in independent claims 12 and 24, it is clear that the Applicant's invention is distinguished over the Dillon/Schneier combination in at least the method step of wherein the step of receiving encrypted content data from a second channel includes receiving data in a format compatible with DirecPC™. Although the Dillon/Schneier combination does disclose encryption techniques and broadcasting, the Dillon/Schneier combination does not disclose a second channel for receiving data formatted for with DirecPC™.

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Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **James A. Reagan** whose telephone number is **571.272.6710**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **571.272.6712**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

571-273-8300 [Official communications, After Final communications labeled "Box AF"]

571-273-8300 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window:**

Randolph Building

401 Dulany Street

Alexandria, VA 22314.

JAMES A. REAGAN

Primary Examiner

Art Unit 3621

18 July 2006



**JAMES A. REAGAN
PRIMARY EXAMINER**